

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

**FILED**

DEC 19 2014

Clerk, U.S. District Court  
District Of Montana  
Billings

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD JUNIOUS HILL, JR.,

Defendant.

CR 14-72-BLG-SPW

OPINION and ORDER

Before the Court is Defendant Richard Hill's pro se Motion to Dismiss. (Doc. 4). The federal grand jury indicted Hill in this case on July 18, 2014, and an arrest warrant was issued the same day. The warrant has not been executed, and Hill has not appeared on the pending federal criminal charges. *See* Fed. R. Crim. P. 4(c)(3)(A), 5(a)(1)(A). The criminal case was sealed upon filing of the Indictment. It remains sealed because Hill has not been arrested and has not made an appearance in this Court. *See* D. Mont. L.R. 6.2. According to the inmate search on the Yellowstone County Detention Facility website,<sup>1</sup> Hill was booked into YCDF on November 29, 2014 and is charged with several state crimes. The state court assigned bail at \$1,085. There is also a federal detainer placed on Hill.

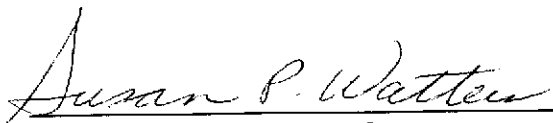
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<sup>1</sup> This search feature can be found at [www.co.yellowstone.mt.gov/sheriff/detention/dcsearch.asp](http://www.co.yellowstone.mt.gov/sheriff/detention/dcsearch.asp) (last accessed December 18, 2014).

In his motion, Hill argues that Fed. R. Crim. P. 5, 48, 50, and 52 compel this Court to dismiss this case. The Court does not find that there has been any unnecessary delay in bringing Hill to trial. Further, although a federal detainer has been lodged against Hill, the Interstate Agreement on Detainers, 18 U.S.C. App. 2, does not apply at this time because Hill is not merely "serving a sentence" at YCDF, *see United States v. Mauro*, 436 U.S. 340, 359 (1978) (quoting H.R. Rep. No. 91-1018 at 2 (1970)); he is facing pending state criminal proceedings. The federal Speedy Trial Act also does not apply to him at this time. 18 U.S.C. § 3161(c)(1). To the extent Hill has suffered prejudice due to delay between indictment and arrest or appearance, or to the extent he believes he has other defenses, he may raise such claims after he appears in federal court. *See generally United States v. Mendoza*, 520 U.S. 758, 762-65 (2008); *United States v. Santana*, 526 F.3d 1257, 1261-62 (9th Cir. 2008).

Accordingly, IT IS HEREBY ORDERED that Hill's Motion to Dismiss (Doc. 4) is DENIED.

DATED this 18<sup>th</sup> day of December 2014.

  
SUSAN P. WATTERS  
United States District Judge